

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)**

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/007821

International filing date (day/month/year)
09.07.2004

Priority date (day/month/year)
11.07.2003

International Patent Classification (IPC) or both national classification and IPC
B65D83/04, A61J7/02, A61J7/04

Applicant
GLAXO GROUP LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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IAP20 Rec'd PCT/PTO 16 DEC 2005

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/EP2004/007821

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/007821

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/007821

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 55-56

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 55-56
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☒ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.
- ☐ See separate sheet for further details

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/007821

**Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

| | | |
|-------------------------------|-------------|------------------|
| Novelty (N) | Yes: Claims | 32-46,50,51 |
| | No: Claims | 1-31,47-49,52-54 |
| Inventive step (IS) | Yes: Claims | 32-46 |
| | No: Claims | 1-31,47-54 |
| Industrial applicability (IA) | Yes: Claims | 1-54 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/007821

Re Item III.Claims 55 and 56 do not meet the criteria of Rule 6.2(a) PCT.**Re Item V.**

- 1 The following documents are referred to in this communication:
D1 : US 4 653 668 A (GIBILISCO KENNETH J ET AL) 31 March 1987
D2 : GB 2 265 142 A (HEYWOOD ROY VINCENT) 22 September 1993
D3 : EP 0 370 599 A (APREX CORP) 30 May 1990

2 INDEPENDENT CLAIM 1

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses a hand-held dispenser for dispensing a multiplicity of unit products comprising:

- a container (12.0;14.0;...) for containing the unit products which has an access opening (12.6;14.6;...) through which the unit products are able to be removed from the container; and
- a dispensing module which is adapted to be connected to the container in an operational position in which the dispensing module covers the access opening, the dispensing module having:
 - an internal volume (12.3,12.4;14.3,14.4;...) into which the unit products are transferable from the container (12.0;14.0;...) through the access opening when the dispensing module is in the operational position;
 - an outlet opening which communicates with the internal volume; and
 - a dispensing mechanism (12.5,12.7;14.5,14.7;...) which operates to dispense a predetermined number of unit products from the outlet opening on actuation thereof (see col.9, l.21-col.11, l.61 and fig. 1-30).

3 INDEPENDENT CLAIM 53

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 53 is not new in the sense of Article 33(2) PCT.

Document D1 discloses obviously a dispensing module for connection to a container for unit products: see col.9, l.21-col.11, l.61 and fig. 1-30.

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International application No.

PCT/EP2004/007821

4 DEPENDENT CLAIMS 2-31, 47-49, 52, 54

Dependent claims 2-31, 47-49, 52, 54 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (Article 33(2) and (3) PCT) as they are also known from D1: see col.9, l.21-col.11, l.61 and fig. 1-30.

5 DEPENDENT CLAIMS 32-36, 39, 43-46

The documents D2 and D3 disclose caps for a pill bottle which include a digital display that indicates how many pills have been taken from the bottle and how long ago the last pill was taken.

6 DEPENDENT CLAIMS 50-51

Dependent claims 50-51 contain only features which are trivial to render a container tamper-evident, and therefore do not meet the requirements of the PCT in respect of inventive step (Article 33(2) and (3) PCT).